

COPY  
FILED  
IN CLERKS OFFICEIN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS  
EASTERN DIVISION

2004 JUN 10 A 11:14

U.S. DISTRICT COURT  
DISTRICT OF MASS.

Joan Reed, et al.

Plaintiffs,

v.

CIVIL ACTION

NO. \_\_\_\_\_

Indevus Pharmaceuticals, Inc., F/K/A Interneuron  
Pharmaceuticals, Inc.; Wyeth, Inc., F/K/A American Home  
Products Corporation; Wyeth Pharmaceuticals, Inc. F/K/A  
Wyeth-Ayerst Pharmaceuticals, Inc., A Division of American  
Home Products Corporation; and Boehringer Ingelheim  
Pharmaceuticals, Inc.

Defendants.

1 1280 GAO

**NOTICE OF ORDER REFERRING REMAND MOTIONS IN  
DIET DRUG CASES TO A SINGLE JUDGE FOR DECISION**

This case is one of over 200 diet drug cases originally filed on behalf of approximately 4,500 plaintiffs in state court in Middlesex County, Massachusetts. Wyeth is in the process of removing all of these diet drug cases to the federal court.

In the first of these cases -- *Andrus, et al v. Indevus Pharm., Inc., et al.* -- Wyeth filed a Notice of Removal on May 7, 2004. Because the anticipated remand motions in *Andrus* and this and the other diet drug cases likely will raise similar, if not identical issues, Wyeth filed in *Andrus* a Motion to Refer Decision of Remand Motions in All Diet Drug Cases to a Single Judge for Decision. On May 19, 2004, the court (O'Toole, J.) entered an order granting Wyeth's motion.

Respectfully submitted this 10<sup>th</sup> day of June, 2004.

/s/ Janice W. Howe  
William A. McCormack BBO #329580  
Janice W. Howe BBO #242190  
David Yamin BBO #562216  
Bingham McCutchen LLP  
150 Federal Street  
Boston, MA 02110  
(617) 951-8000  
Counsel for Defendants Wyeth and  
Wyeth Pharmaceuticals, Inc.

**CERTIFICATE OF SERVICE**

This is to certify that I have this day served Notice of Order Referring Remand Motions in Diet Drug Cases to a Single Judge for Decision upon all parties to the above-captioned action by hand or by Federal Express to the following:

**By Hand**

Edward J. Barshak, Esq.  
Michael S. Appel, Esq.  
Sugarman, Rogers, Barshak & Cohen, P.C.  
101 Merrimac Street, 9th Floor  
Boston, MA 02114

**By Federal Express**

J. Christopher Ide, Esq.  
Miller & Associates  
105 North Alfred Street  
Alexandria, VA 22314

*Counsel for Plaintiffs*

**By Hand**

Matthew J. Matule, Esq.  
Skadden, Arps, Slate, Meagher & Flom LLP  
One Beacon Street  
Boston, MA 02108

*Counsel for Defendants Indevus Pharmaceuticals, Inc. and Boehringer Ingelheim Pharmaceuticals, Inc.*

This 10<sup>th</sup> day of June, 2004.

/s/ Janice W. Howe

Janice W. Howe  
*Counsel for Defendants Wyeth  
and Wyeth Pharmaceuticals, Inc.*